

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HOWARD M. McCORD,

Plaintiff,

v.

RON HAYNES, *et al.*,

Defendants.

Case No. C21-5512-JCC-MLP

ORDER GRANTING DEFENDANTS'
MOTION TO EXTEND DISPOSITIVE
MOTION FILING DEADLINE

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff challenges in this action the Washington Department of Corrections' response to COVID-19 at the Stafford Creek Corrections Center. (*See* dkt. # 5.) On September 30, 2021, this Court entered an Order establishing a pretrial schedule for this action. (Dkt. # 15.) Among the deadlines established in that Order was a dispositive motion filing deadline of January 31, 2022. (*Id.* at 2.) Defendants now move to extend that deadline to February 28, 2022. (Dkt. # 17.) Defendants cite as the basis of their request the fact that Defendants' counsel learned, just as he was preparing to finalize and file a motion for summary judgment, that Plaintiff had tested positive for COVID-19 and was being housed in isolation at the Monroe Correctional Complex. (*See id.*) Defendants assert that

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1 Plaintiff's positive test changes the basic facts of the case and that, practically speaking, filing a
2 summary judgment motion while Plaintiff was in isolation would reduce the time available for
3 him to respond to the motion. (*Id.* at 2.) Plaintiff filed no opposition to the requested extension.

4 The Court observes that since the filing of Defendants' motion for extension of time,
5 Plaintiff has been released from physical custody and is now on community custody. (*See* dkt.
6 # 23.) The Court further observes that Defendants filed their motion for summary judgment on
7 February 16, 2022, and the motion is noted on the Court's calendar for consideration on April 8,
8 2022. (Dkt. # 19.) The Court is persuaded that, under the circumstances cited herein, good cause
9 exists to extend the dispositive motion filing deadline. Accordingly, Defendants' motion to
10 extend the dispositive motion filing deadline (dkt. # 17) is GRANTED, and their recently filed
11 dispositive motion is deemed timely.

12 DATED this 23rd day of February, 2022.

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15 MICHELLE L. PETERSON
16 United States Magistrate Judge
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